

Application/Control Number: 09/882,007
Art Unit: 3695

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In re Patent Application :
of Leo Kayser III :
Serial No. 09/882,007 :
: U.S. PATENT
: TRADEMARK
: OFFICE
: Examiner: Ojo O. Oyebisi
:
:
For: Automated Matching System for : Art Unit: 3628
Borrowers and Savers :

Priority Date: 06/20/2000

Mail Stop No Fee Amendment
The Honorable Commissioner of Patents and Trademarks
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

**Amendment C - Plenary
Response to Restriction with
Provisional Election and
Traversal**

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a. Introduction

In the prior amendment B filed on or about 03/08/2010, Claims 6-8, 11-19 were amended to clearly and unambiguously distinguish this novel invention from Dykstra et al cited as allegedly anticipating Claims 6-19 pending in the application.

The amendment placed one group of the claims in subclass 35 covering "banking, credit, or finance" and placed the remainder in another Group of the claims in subclass 37 covering financial systems involving "bidding, trading, or matching". This grouping has allegedly necessitated a restriction requirement with the eventual concomitant provisional election, divisional and/or RCE fee generation and further delay. Hence, the applicant provisionally elects Group 1 or claims 6-10 and respectfully requests a prompt notice of allowance. This case has been examined and reviewed to the extent that the applicant is totally frustrated.

The key point in support of withdrawal of the restriction is that the steps or processes defined in Subclass 37 are inextricably linked to the functioning or operability of the claims grouped in subclass 35 relating to finance, banking, credit. The subclass demarcation does not work, apply, or make logical sense when viewed against any reasonable construction of these claims.

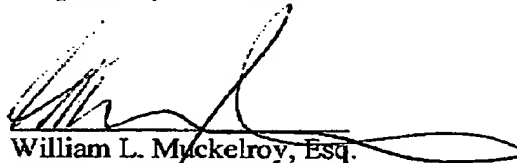
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Hence inventions I and II have de minimus divergent scope and utility, and the search required for Group II encompasses Group I.

Restriction for examination purposes as indicated is improper considering the history of this application and awesome time delay involved. Applicant is approaching the 10th annuity (10 years) on his companion foreign patent!

Applicant's counsel thanks the Examiner for this prompt action in response to his request. The thoroughness and expeditious capacity to get to the essence of this invention after the many administrative errors necessitating voluminous filings made prior to his assignment of this application is to be commended.

Respectfully submitted,



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Enclosures: Amendment C with Provisional Election and Traversal, Complete Listing of Claims Pending, Certificate of Mailing